

Chapter 173-162 WAC

REGULATION AND LICENSING OF WELL CONTRACTORS AND OPERATORS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-162-110	Examinations—Conducting examinations. [Order DE 73-10, § 173-162-110, filed 6/29/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-162-150	Licenses—Conditional license. [Order DE 73-10, § 173-162-150, filed 6/29/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-162-160	Temporary authorization. [Order DE 73-10, § 173-162-160, filed 6/29/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-162-170	Retaking examination.[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-170, filed 4/6/88; Order DE 73-10, § 173-162-170, filed 6/29/73.] Repealed by 98-08-031 (Order 97-08), filed 3/23/98, effective 4/23/98. Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080.
173-162-180	Water well contractors—Identification numbers. [Order DE 73-10, § 173-162-180, filed 6/29/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.

WAC 173-162-010 What is the purpose of these regulations? These regulations are adopted under chapter 18.104 RCW in order to establish procedures for the examination, licensing and regulation of well contractors and operators.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-010, filed 3/23/98, effective 4/23/98; 88-08-070 (Order 88-58), § 173-162-010, filed 4/6/88; Order DE 73-10, § 173-162-010, filed 6/29/73.]

(3/23/98)

WAC 173-162-020 To whom do these regulations apply? These regulations apply to all well contractors and operators who are contracting for well construction or constructing wells in the state of Washington.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-020, filed 3/23/98, effective 4/23/98; 88-08-070 (Order 88-58), § 173-162-020, filed 4/6/88; Order DE 73-10, § 173-162-020, filed 6/29/73.]

WAC 173-162-025 What are the reasons for suspending or revoking an operator license? (1) In cases other than those relating to the failure of a licensee to renew a license, the director may suspend or revoke a license issued pursuant to this chapter for any of the following reasons:

- (a) For fraud or deception in obtaining the license;
- (b) For fraud or deception in reporting under RCW 18.104.050;
- (c) For violating the provisions of this chapter, or of any lawful rule or regulation of the department or the department of health.

(2) The director shall immediately suspend any license issued under this chapter if the department of social and health services has determined that the holder of the license is not in compliance with the support order or a residential or visitation order issued pursuant to chapter 74.20A RCW. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order.

(3) No license shall be suspended for more than six months, except that a suspension under subsection (2) of this section shall continue until the department receives a release issued by the department of social and health services stating that the person is in compliance with the order.

(4) No person whose license is revoked shall be eligible to apply for a license for one year from the effective date of the final order of revocation.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-025, filed 3/23/98, effective 4/23/98.]

WAC 173-162-030 How are the words and phrases used in this chapter? (1) "Abandoned well" means a well that is unused, unmaintained, or is in such disrepair as to be unusable.

(2) "Access port" is a 1/2- to 2-inch tapped hole or tube equipped with a screw cap, which provides access to the inner casing, for measurement of the depth to water surface. An access port also means a removable wellcap.

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(3) "Annular space" is the space between the surface or outer casing and the inner casing, or the space between the wall of the drilled hole and the casing.

(4) "Aquifer" is a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

(5) "Artesian well" is a well tapping an aquifer bounded above and below by confining or impermeable rock or soil layers, or rock or soil layers of distinctly lower permeability than the aquifer itself. The water will rise in the well above the point of initial penetration (above the bottom of the confining or impermeable layer overlying the aquifer). This term includes both flowing and nonflowing wells.

(6) "Artificial gravel pack" is a mixture of gravel or sand placed in the annular space around the liner, perforated pipe, or well screen. A gravel pack is used to reduce the movement of finer material into the well and provide lateral support to the screen in unstable formations.

(7) "Artificial recharge" is the addition of water to an aquifer by activities of man, such as irrigation or induced infiltration from streams, or injection through wells, trenches, pits, and ponds.

(8) "Bentonite" is a mixture of swelling clay minerals, predominantly sodium montmorillonite.

(9) "Capped well" is a well that is not in use and has a watertight seal or cap installed on top of the casing.

(10) "Casing" is a pipe, generally made of metal or plastic, which is installed in the bore hole to maintain the opening.

(11) "Consolidated formation" means any geologic formation in which the earth materials have become firm and cohesive through natural rock forming processes. Such rocks commonly found in Washington include basalt, granite, sandstone, shale, conglomerate, and limestone. An uncased bore hole will normally remain open in these formations.

(12) "Constructing a well" or "construct a well" means:

(a) Boring, digging, drilling, or excavating a well;

(b) Installing casing, sheeting, lining, or well screens, in a well; or

(c) Drilling a geotechnical soil boring.

"Constructing a well" or "construct a well" includes the alteration of an existing well.

(13) "Contamination" has the meaning provided in RCW 90.48.020.

(14) "Continuing education unit" is one credit approved by the department for time spent participating in training or instruction in subject areas approved by the department.

(15) "Curbing" is a liner or pipe made of concrete, precast tile or steel installed in dug wells to provide an annular space between the well bore and the liner or pipe for sealing.

(16) "Decommissioning" means to fill or plug a well so that it will not produce water, serve as a channel for movement of water or pollution, or allow the entry of pollutants into the well or aquifers.

(17) "Department" means the department of ecology.

(18) "Dewatering well" means a cased or lined excavation or boring that is intended to withdraw or divert ground water for the purpose of facilitating construction, stabilizing a land slide, or protecting an aquifer.

(19) "Director" means director of the department of ecology.

(20) "Disinfection" or "disinfecting" is the use of chlorine, or other disinfecting agent or process approved by the department, in sufficient concentration and contact time adequate to inactivate coliform or other indicator organisms.

(21) "Domestic water supply" is any water supply which serves a family residence(s).

(22) "Draw down" is the measured difference between the static ground water level and the ground water level induced by pumping.

(23) "Drilled well" is a well in which the hole is usually excavated by mechanical means such as rotary, cable tool, or auger drilling equipment.

(24) "Driven well" is a well constructed by joining a "drive point" to a length of pipe, then driving the assembly into the ground.

(25) "Dug well" is a well generally excavated with hand tools or by mechanical methods. The side walls may be supported by material other than standard weight steel casing.

(26) "Filter pack" means clean, well rounded, smooth, uniform, sand or gravel, which is placed in the annulus of the well between the bore hole wall and the liner, perforated pipe, or well screen to prevent formation material from entering the well.

(27) "Formation" means an assemblage of earth materials grouped together into a unit that is convenient for description or mapping.

(28) "Geotechnical information" means subsurface engineering properties used for the purpose of designing structures such as bridges, buildings, highways, pipelines, or for assessing slope stability.

(29) "Geotechnical soil boring" or "boring" means an uncased well drilled for the purpose of obtaining soil samples to ascertain structural properties of the subsurface. Geotechnical soil boring includes auger borings, rotary borings, cone penetrometer probes and vane shear probes, or any other uncased ground penetration for geotechnical information.

(30) "Ground water" means and includes ground waters as defined in RCW 90.44.035.

(31) "Grout" is a fluid mixture of cement, bentonite, and water used to seal the annular space around or between well casings, or to decommission wells.

(32) "Impermeable" is a descriptive term for earth materials which have a texture or structure that does not permit fluids to perceptibly move into or through its pores or interstices.

(33) "Instrumentation well" means a well in which pneumatic or electric geotechnical or hydrological instrumentation is permanently or periodically installed to measure or monitor subsurface strength and movement. Instrumentation well includes bore hole extensometers, slope indicators, pneumatic or electric pore pressure transducers, and load cells.

(34) "Liner" means any device inserted into a larger casing, screen, or bore hole as a means of maintaining the structural integrity of the well.

(35) "Lysimeter" means a well used to withdraw soil water or pore samples from subsurface soil or rock above the water table for chemical, physical, or biological testing.

(36) "Monitoring well" means a well designed to obtain a representative ground water sample or designed to measure the water level elevations in either clean or contaminated water or soil.

(37) "Nested well" means the installation of more than one cased resource protection well in one bore hole. This does not preclude casing reductions.

(38) "Observation well" means a well designed to measure the depth to the water or water level elevation in either clean or contaminated water or soil.

(39) "Operator" means a person who:

(a) Is employed by a well contractor;

(b) Is licensed under this chapter; or

(c) Who controls, supervises, or oversees the construction of a well or who operates well construction equipment.

(40) "Permeability" is a measure of the ease of which liquids or gas move through a porous material.

(a) For water, this is usually expressed in units of centimeters per second or feet per day. Hydraulic conductivity is a term for water permeability.

(b) Soils and synthetic liners with a water permeability of 1×10^{-7} cm/sec or less may be considered impermeable.

(41) "Piezometer" means a well designed to measure water level elevation at a specific depth beneath the water table.

(42) "Pollution" has the meaning provided in RCW 90.48.020.

(43) "Pressure grouting" is a method of forcing grout into specific portions of a well for sealing purposes.

(44) "PTFE" means polytetrafluoroethylene casing materials such as teflon. The use of the term teflon is not an endorsement for any specific PTFE product.

(45) "Public water supply" is any water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission and distribution facilities where water is furnished to any community, collection or number of individuals, available to the public for human consumption or domestic use, excluding water supplies serving one single-family residence and a system with four or fewer connections all of which serve residences on the same farm.

(46) "PVC" means polyvinyl chloride a type of thermoplastic casing.

(47) "Remediation well" means a well used to withdraw ground water or inject water, air (for air sparging), or other solutions into the subsurface for the purpose of remediating, cleaning up, or controlling potential or actual ground water contamination.

(48) "Resource protection well" means a cased boring used to determine the existence or migration of pollutants within an underground formation. Resource protection wells include monitoring wells, observation wells, piezometers, spill response wells, vapor extraction wells, and instrumentation wells.

(49) "Resource protection well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity, licensed and bonded under chapter 18.27 RCW, engaged in the business of constructing resource protection wells or geotechnical soil borings.

(50) "Spill response well" means a well used to capture or recover any spilled or leaked fluid which has the potential to, or has contaminated the ground water.

(51) "Static water level" is the vertical distance from the surface of the ground to the water level in a well when the water level is not affected by withdrawal of ground water.

(52) "Temporary surface casing" is a length of casing (at least four inches larger in diameter than the nominal size of the permanent casing) which is temporarily installed during well construction to maintain the annular space.

(53) "Test well" is a well (either cased or uncased), constructed to determine the quantity of water available for beneficial uses, identifying underlying rock formations (lithology), and to locate optimum zones to be screened or perforated. If a test well is constructed with the intent to withdraw water for beneficial use, it must be constructed in accordance with the minimum standards for water supply wells, otherwise they shall be constructed in accordance with the minimum standards for resources protection wells. A water right permit, preliminary permit, or temporary permit shall be obtained prior to constructing a test well unless the anticipated use of water is exempt as provided in RCW 90.44.050. A "test well" is a type of "water well."

(54) "Tremie tube" is a small diameter pipe used to place grout, filter pack material, or other well construction materials in a well.

(55) "Turbidity" means the clarity of water expressed as nephelometric turbidity units (NTU) and measured with a calibrated turbidimeter.

(56) "Unconsolidated formation" means any naturally occurring, loosely cemented or poorly consolidated earth material including such materials as uncompacted gravel, sand, silt and clay. Alluvium, soil, and overburden are terms frequently used to describe such formations.

(57) "Vapor extraction well" means a well used to withdraw gases or vapors from soil, rock, landfill, or ground water or allow air or vapor to enter subsurface soil or rock for the purpose of remediating soil and/or ground water contamination.

(58) "Water well" means any excavation that is constructed when the intended use of the well is for the location, diversion, artificial recharge, observation, monitoring, dewatering or withdrawal of ground water.

(59) "Water well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity, licensed and bonded under chapter 18.27 RCW, engaged in the business of constructing water wells.

(60) "Well alterations" include(s), deepening, hydrofracturing or other operations intended to increase well yields or change the characteristics of the well. Well alterations does not include general maintenance, cleaning, sanitation, and pump replacement.

(61) "Well completion" means that construction has progressed to a point at which the drilling equipment has been removed from the site, or a point at which the well can be put to its intended use.

(62) "Well contractor" means a resource protection well contractor and a water well contractor.

(63) "Well driller(s)" or "driller(s)" is synonymous with "operator(s)."

(64) "Well" means water wells, resources protection wells, instrumentation wells, dewatering wells, and geotechnical soil borings. Well does not mean an excavation made for the purpose of obtaining or prospecting for oil, natural gas, geothermal resources, minerals, or products of mining, or quarrying, or for inserting media to repressure oil or natural gas bearing formations, or for storing petroleum, natural gas, or other products.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-030, filed 3/23/98, effective 4/23/98; 88-08-070 (Order 88-58), § 173-162-030, filed 4/6/88; Order DE 73-10, § 173-162-030, filed 6/29/73.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 173-162-040 How do I comply with licensing requirements? (1) A water well operator license is required for all operators engaged in constructing or decommissioning water wells.

(2) A water well operator training license is required for any trainee engaged in constructing or decommissioning water wells under the training program provisions of this chapter.

(3) A resource protection well operator license is required for all operators engaged in constructing or decommissioning resource protection wells and geotechnical soil borings.

(4) A resource protection well operator training license is required for any trainee engaged in constructing or decommissioning resource protection wells and geotechnical soil borings under the training program provisions of this chapter.

(5) General contractors, engineering firms, designers, consulting firms, or other entities need not have a licensed well operator in its employ: *Provided*, That all well construction and decommissioning associated with their various projects and/or contracts is conducted by a licensed well operator licensed under the provisions of this chapter except as provided in WAC 173-162-050.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-040, filed 3/23/98, effective 4/23/98; 88-08-070 (Order 88-58), § 173-162-040, filed 4/6/88; Order DE 73-10, § 173-162-040, filed 6/29/73.]

WAC 173-162-050 Who is exempt? (1) No license under this chapter shall be required of:

(a) Any individual who personally constructs a well on land which is owned or leased by the individual, or in which the individual has a beneficial interest as a contract purchaser and is used by the individual for farm or single-family residential use only. *Provided*, the individual shall construct not more than one well every two years.

(b) An individual, except trainees, who performs labor or services for a well contractor in connection with the construction or decommissioning of a well at the direction and under the direct supervision and control of a licensed operator who is present at the construction site.

(c) A person licensed under the provisions of chapter 18.08 or 18.43 RCW if in the performance of duties covered by those licenses.

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(2) An individual who constructs or decommissions a well without a license under this subsection shall comply with all other requirements of this chapter and rules adopted by the department. Those requirements include, but are not limited to:

- (a) Well construction and decommissioning standards;
- (b) Payment of well construction fees; and
- (c) Notification of well construction required by RCW 18.104.048.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-050, filed 3/23/98, effective 4/23/98; 88-08-070 (Order 88-58), § 173-162-050, filed 4/6/88; Order DE 73-10, § 173-162-050, filed 6/29/73.]

WAC 173-162-055 What types of operator licenses are available? Five types of drilling licenses are available:

- (1) Water well operator training license.
- (2) Resource protection well operator training license.
- (3) Resource protection well operator license.
- (4) Water well operator license.
- (5) Conditional licenses for water or resource protection well drilling.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-055, filed 3/23/98, effective 4/23/98.]

WAC 173-162-060 How do you qualify for each license? (1) **Training licenses.**

(a) You are qualified to receive either a water or a resource protection training license if you:

(i) Submit a completed application to the department on forms provided by the department and pay the department a twenty-five dollar application fee; and

(ii) Have completed at least six hundred hours of drilling experience working under the direct supervision of a licensed operator who has held a Washington state water and/or resource protection well drilling license for at least three years; and

(iii) Have obtained six continuing education units as approved by the department; and

(iv) Pass a written examination as provided for in RCW 18.104.080; and

(v) Pass an on-site examination by the department; and

(vi) Present a statement by a person or persons licensed under this chapter, other than a trainee, signed under penalty of perjury as provided in RCW 9A.72.085, verifying that:

(A) The applicant has acquired a minimum of six hundred hours of field experience required under this chapter; and

(B) The operator has assumed liability for any and all well construction activities of the applicant while the applicant was gaining his/her six hundred hours of field experience. The operator shall not be subject to any penalties or orders that may be issued for wells constructed by the applicant that were not the responsibility of the operator to have direct supervision and control over; and

(C) A licensed operator, except a trainee, who will sponsor the trainee, has been identified on the signed statement. The licensed operator who will be sponsoring the trainee, shall assume liability for any and all well construction activi-

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ties of the trainee accomplished under the operator's control during the period of the trainee's license; and

(vii) In obtaining a statement from a well operator(s) under (a)(vi) of this subsection, an applicant who has gained drilling experience under more than one operator shall submit a statement from each operator. It is not necessary to accumulate all qualifying experience under one operator. Field experience for which a statement of verification and liability cannot be obtained, shall not be used as qualifying experience under this section.

All statements shall be entered on forms provided by the department.

(b) Terms and conditions of a training license.

(i) A person with either a resource protection or a water well training license may construct only those types of wells for which they are licensed without being under the direct supervision of a licensed operator provided:

(A) A licensed operator is available by radio, telephone, or other means of communication; and

(B) The licensed operator can reach the drill site within one hour.

(ii) A trainee shall maintain a daily drilling log identifying all work accomplished that day. The log shall remain in the possession of the trainee at all times and shall be reviewed and initialed daily by the responsible licensed operator. The drilling log shall be available for review by department and county officials whose county has received delegated authority as provided in RCW 18.104.043.

(iii) The work documented and initialed in the drilling log may be used in your application for a license under the training program completed, licensing category of this chapter.

(iv) All verifiable work performed by a trainee under the control of a licensed operator may be carried over to subsequent operator(s) who assume liability for the trainee.

(v) A trainee may apply and qualify for only one type (resource protection or water well drilling) of training license at a time.

(2) Water well or resource protection well operator licenses.

A person shall be qualified to receive either a water or resource protection well operator license if you meet the requirements of one of the following categories:

(a) New applicant category.

(i) Applicants who have never held a well operator license and whose qualifying drilling experience was started after the effective date of this regulation qualify if they:

(A) Submit a completed application to the department on forms provided by the department and pay the department a twenty-five dollar application fee; and

(B) Submit proof that they have acquired five thousand four hundred hours of drilling experience under the direct supervision of a licensed well operator; and

(C) Submit proof that they have obtained thirty-two continuing education units; and

(D) Pass a written examination as provided for in RCW 18.104.080.

The department shall evaluate and approve all qualifying experience and educational training. If your qualifying drill-

ing experience under (a)(i)(B) of this subsection is from another state, the department may require an on-site examination.

(ii) Applicants who have never held a well operator license and who have obtained at least twelve months of qualifying drilling experience before the effective date of this regulation qualify to receive a license if they:

(A) Submit a complete application to the department; and

(B) Pay a twenty-five dollar fee; and

(C) Pass a written exam; and

(D) Show proof that they have completed a total of twenty-four months of drilling experience under a licensed operator. Your proof must show that you started working towards a drilling license prior to the effective date of this regulation, and that you have been diligently and continuously working towards obtaining a drilling license since you started. Proof shall consist of tax records, pay statements, or other documentation showing that you were under the supervision of a licensed operator.

(E) The department shall evaluate and approve all qualifying drilling experience. If your drilling experience under (a)(ii)(D) of this subsection is from another state, the department may require an on-site examination.

(iii) Individuals who have been working towards obtaining a drilling license but have acquired **less than twelve months** of qualifying drilling experience prior to the effective date of this chapter, may apply their education and experience towards the requirements of a training license.

(b) Training program completed category.

Applicants who have held a valid training license will be qualified to receive an operator license if they:

(i) Submit a completed application to the department on forms provided by the department and pay the department a twenty-five dollar application fee; and

(ii) Submit proof that they have worked as a licensed trainee under the provisions of this chapter for at least three thousand six hundred hours; and

(iii) Have obtained fourteen continuing education units while working under the training program.

(c) Licensed experience category.

(i) Applicants who have never held an operator license in Washington state qualify if they:

(A) Submit a completed application to the department on forms provided by the department and pay the department a twenty-five dollar application fee; and

(B) Hold a valid well operator license, or equivalent, in another state and can show proof that the license has been held for a period of at least three years. The department shall evaluate and approve all experience acquired by out-of-state licensed operators; and

(C) Have obtained thirty-two continuing educational units as approved by the department; and

(D) Pass a written examination as provided for in RCW 18.104.080; and

(E) Passed an on-site examination by the department. The on-site examination may be waived by the department.

(F) Proof of licensing under (c)(i)(B) of this subsection shall be submitted with the application for license. Proof of drilling experience may include drilling logs, federal or state

tax records; employment records; or other records acceptable to the department.

(ii) **Individuals, other than trainees, whose Washington operator license has been suspended, revoked, or whose license has expired may apply for a new license. These individuals qualify to receive a license if:**

(A) The terms of the order of suspension or revocation have been met; and

(B) They submit a completed application to the department on forms provided by the department and pay the department a twenty-five dollar application fee; and

(C) They have obtained seven continuing educational units for each year or portion of a year the license has been revoked, suspended, or expired; and

(D) They pass a written examination as provided for in RCW 18.104.080; and

(E) They pass an on-site examination by the department.

(F) The written and/or on-site examination(s) under (c)(ii)(D) and (E) of this subsection may be waived by the department.

(3) Individuals who received an operator license for either water well or resource protection well drilling **after** the effective date of these regulations are qualified to receive the other license if they:

(a) Currently hold a valid well operator license under one of the categories in subsection (2) of this section. The license must have been issued by the department after the effective date of these regulations; and

(b) Submit a completed application to the department on forms provided by the department and pay a twenty-five dollar application fee; and

(c) Pass a written examination; and

(d) Pass an on-site examination if their field experience was gained in another state. The department may waive the on-site examination.

(e) Submit proof of at least six hundred hours of additional well drilling experience for the other type of license you wish to obtain. **EXAMPLE** - You currently hold a water well operator license that was issued by the department after the effective date of these regulations. You also wish to be licensed to construct resource protection wells. You will qualify to receive the resource protection operator license by making an application, paying the fee, and showing proof of six hundred hours of resource protection well drilling experience, passing a written exam, and passing an on-site exam if your drilling experience was gained in another state. Proof of experience will consist of drilling reports showing you were the operator of record on at least fifteen resource protection wells, or other documentation showing experience approved by the department.

(4) **Conditional license.**

(a) A conditional license may be issued to a former licensed operator for the sole purpose of authorizing the well operator to comply with an order to correct a problem with a well. The terms of the license shall detail the extent and limitations placed on the well operator. This may include limitations of work to be completed on a specific well, license expiration, and any other limitation set by the department.

(b) A conditional license cannot be issued to a person who has never held an operator license issued under the provisions of this chapter.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-060, filed 3/23/98, effective 4/23/98; 88-08-070 (Order 88-58), § 173-162-060, filed 4/6/88; Order DE 73-10, § 173-162-060, filed 6/29/73.]

WAC 173-162-070 What application fees are required? Application fees are twenty-five dollars for each operator or training license.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-070, filed 3/23/98, effective 4/23/98; Order DE 73-10, § 173-162-070, filed 6/29/73.]

WAC 173-162-075 How often do I need to renew my license? (1) Licenses issued under this chapter, except a training license, shall be renewed every two years.

(2) A training license shall be valid for a period of two years from the time it was originally issued. A training license cannot be renewed. However, a one-time extension may be granted upon show of good cause by the trainee. The limit of the extension shall be no longer than twenty-four months and will be evaluated on a case-by-case basis. A twenty-five dollar fee will be charged for the extension.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-075, filed 3/23/98, effective 4/23/98.]

WAC 173-162-080 What are the conditions and cost of renewing a drilling license? (1) Between the 1993 legislation, Laws of 1997, chapter 387, and the adoption of these regulations implementing the legislation, the well operator licenses issued and renewed by the department met the requirements of the 1993 legislation and may be renewed for either a water well or resource protection well operator license or both as provided in subsection (2) of this section.

(2) A holder of a valid license may renew the license if they:

(a) Submit a completed application on forms provided by the department; and

(b) Except as provided in subsection (3) of this section, show proof that they successfully completed fourteen continuing education units during the past twenty-four months of the license term; and

(c) Pay a twenty-dollar renewal fee for each license they wish to renew.

(3) If you currently hold a valid operator license that was issued **prior** to the effective date of this regulation, you may renew that license and receive a water well operator license and/or a resource protection well operator license without meeting the requirements for continuing education until you apply for license renewal in the year 2000.

(4) If you fail to submit a completed application for renewal, the license shall expire at the end of its effective term. A complete application includes the submission of the renewal fee and proof of completion of the required continuing education.

(5) If your license has expired, you must apply for a new license as provided in this chapter.

(6) The department may refuse to renew a license if the license is currently suspended or revoked, or the licensee has not complied with an order issued by the department or has not paid a penalty imposed under RCW 18.104.155, unless the order or penalty is under appeal.

(7) Operators shall not construct or decommission a well after their license has expired.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-080, filed 3/23/98, effective 4/23/98; Order DE 73-10, § 173-162-080, filed 6/29/73.]

WAC 173-162-085 Continuing education. Ecology, with the assistance of the technical advisory group created in RCW 18.104.190, shall develop and administer a program for continuing education for the purpose of ensuring continued professional growth and competency of licensed operators.

(1) What is continuing education?

Continuing education is your opportunity to gain additional knowledge into subjects that directly relate to the drilling profession. It is designed to enhance your drilling skills, keep you informed on technological advances, and keep you informed on current state and local regulations. The ultimate goal is to ensure the highest quality of professional drilling. Continuing education is required of every person applying for an operator license and for every driller renewing an operator license.

(2) How do I obtain the required continuing education credit?

(a) Continuing education may be obtained from a number of sources. The department as well as other state and local agencies may provide continuing education classes. Additionally, private organizations or individuals may also present approved classes for credit.

(b) The primary ways to receive credits will be:

(i) Attend and/or successfully complete classes, courses, workshops, or seminars that have been preapproved for credit; and/or

(ii) Have the class, course, workshop, or seminar you plan on attending or have attended evaluated by the technical advisory group and approved by the department for credit; and/or

(iii) Completion of correspondence courses will be considered and evaluated on a case-by-case basis.

(3) How will credit be assigned?

(a) The technical advisory group shall evaluate all courses, classes, workshops, or seminars and recommend assignment of continuing education credits. Their evaluation shall be reviewed by the department for approval.

(b) The following criteria shall be utilized to evaluate and assign credit:

(i) Course agenda and how well the subject relates to the business, technical, and/or regulatory aspects of well drilling and to the knowledge, skills, and abilities required in the well drilling profession.

(ii) Subject(s) difficulty.

(iii) Instructor qualifications.

(iv) Student course evaluations may be utilized to assign credit to courses.

(c) Course sponsors may have their courses preapproved by submitting a request to the department on forms provided by the department.

(d) Individuals planning on attending or who have attended classes, courses, workshops, or seminars that were not preapproved for credit must request a course evaluation and credit approval through the department on forms provided by the department.

(e) All courses, classes, workshops, or seminars must be open to anyone who wants to attend. This does not preclude a provider from imposing reasonable requirements for attendees such as fees and providing their own safety equipment.

(4) What types of general topics, workshops or seminars will be accepted?

(a) General subject areas include: Occupational health and safety; business and office skills; interpersonal skills; technical aspects associated with drilling; and other subject areas approved by the department.

(b) Workshops, seminars, classes, or courses conducted by professional associations, governmental agencies, private businesses, and individuals, may be accepted, provided the subject(s) meets the provisions of this chapter.

(5) How do I get credit for participating in a continuing education program?

(a) A person is qualified to receive continuing education credit upon showing proof of attendance at an approved class, course, workshop, or seminar.

(b) Proof includes: Certificates of completion; transcripts; attendance rosters; diplomas; or other documents approved by the department.

(6) General information on continuing education:

(a) Credits received during a renewal period that are in excess of the requirements cannot be used for any succeeding years. **EXAMPLE:** A driller earning 20 continuing educational credits during their two-year renewal period cannot apply the six credits towards a future renewal.

(b) Credits shall not be assigned to courses, workshops, classes, or seminars attended prior to July 1, 1993.

(c) It is the operator's/trainee's responsibility to track and maintain records of their continuing education credits.

(d) Continuing education units will **not be required to renew** an operator license prior to January 1, 2000.

(e) A person licensed for both water well and a resource protection well construction need only obtain fourteen continuing educational units per renewal period.

(f) A person applying to receive both a water well and resource protection well operator license need only meet the continuing education unit requirements for one license.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-085, filed 3/23/98, effective 4/23/98.]

WAC 173-162-090 Examinations—Notification of examinations. Upon receipt of a properly completed application, the department shall notify the applicant of the date, time and place of the next scheduled examination. All incomplete application forms will be returned for completion. The applicant should notify the department if the examination schedule cannot be met and the reasons therefor.

[Order DE 73-10, § 173-162-090, filed 6/29/73.]

WAC 173-162-095 What should I know about the written and on-site examinations? The written and on-site examinations for licenses issued under this chapter are prepared, administered, and evaluated by the department.

(1) **What subjects will the written exam cover?** The examinations are prepared to test the knowledge and understanding of the following subjects:

- (a) Washington state ground water laws as they relate to constructing and decommissioning wells;
- (b) Sanitary standards for constructing wells;
- (c) Types of well construction and decommissioning;
- (d) Drilling techniques, tools and equipment;
- (e) Geology (including soil and rock description) as it relates to well construction;
- (f) Rules and regulations of the department relating to constructing a well, test pumping, and equipment maintenance;
- (g) Preparation of intent forms, well reports, and requests for variances;
- (h) Township and range location system as it relates to location of wells;
- (i) Basic ground water hydraulics as it relates to well construction and protection of the resource; and
- (j) Rules and regulations of the Washington state department of health relating to source approval and source protection of public drinking water systems.

(2) **What subjects will the on-site test cover?**

The on-site examination shall test the applicants field skills and knowledge in the following areas:

- (a) Safety.
- (b) General knowledge of equipment operation.
- (c) Equipment maintenance.
- (d) Drilling knowledge.
- (e) Well development.
- (f) Implementation of the construction standards under chapter 173-160 WAC.

(3) **When and where are the written examinations given?**

(a) Examinations will be held at such a time and place as may be determined by the department, but not later than thirty days after the department accepts the completed application package consisting of:

- (i) A completed application form with appropriate fee; and
- (ii) Proof of required continuing education; and
- (iii) Proof of required drilling experience.

(b) Upon receipt of a completed application package, the department shall notify you of the date, time and place of the next scheduled written examination. You shall notify the department if you cannot meet the examination schedule. Your notice shall include the reason(s) why you cannot meet the schedule.

(c) If your application package is received after an examination has been scheduled and there is either insufficient time for the department to notify you of the time and place of the examination or you are unable to take the examination at the scheduled time, the thirty-day period will start from the scheduled examination date.

(4) **When and where are the on-site examinations given?**

(a) You must pass the written exam before you can take the on-site exam.

(b) If you are required to take an on-site examination you will receive an authorization form along with the confirmation of your written test results.

(c) Following the receipt of your test results, you will be responsible to select an authorized on-site advisor. The advisor will assist you and the department with coordinating the on-site examination. A list of the on-site advisors will be included with your test results.

(d) You, the advisor, and the department will schedule a mutually agreed upon time and place for the on-site exam. RCW 18.104.080 requires that examinations be held within thirty days after a completed application is filed with the department. If this is not practical, you must notify the department and request an extension to the testing schedule. Your request shall include:

- (i) The reason(s) why you cannot meet the schedule.
- (ii) Acceptable reasons for rescheduling exams may include: Weather; availability of advisors or department staff; or health problems.

(e) Failure to complete the on-site exam within ninety days may result in having to reapply and reschedule another on-site exam.

(f) You and the on-site advisor will arrange for all the equipment, materials, and location for the on-site examination.

(g) The department must be present during the on-site examination.

(5) **When will I be notified of the results of my written and on-site examination?**

The department shall notify you of your test results within ten days after each examination.

(6) **If I fail an exam, may I take a retest?**

(a) If you fail the written or on-site exam, you shall not be entitled to take the examination, or any parts of the examination for a period of thirty days from the date of your original examination.

(b) If you failed to pass the written exam, you are considered a new applicant in all respects.

(c) If you fail the on-site exam, you will be required to arrange a retest after a thirty-day waiting period. You will not be required to retake the written exam.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-095, filed 3/23/98, effective 4/23/98.]

WAC 173-162-100 Examinations—Type of examinations. The examinations shall be prepared, administered and evaluated by the department. They shall be broken down into sections including a basic general category and specialist categories including but not necessarily limited to cable tool, rotary, driven and dug well construction technology. The examination shall be prepared to test the knowledge and understanding of the following subjects:

- (1) Washington ground water laws as they relate to well construction;
- (2) Sanitary standards for water well drilling and construction of water wells;
- (3) Types of well construction;
- (4) Drilling tools and equipment;

(5) Underground geology as it relates to well construction;

(6) Rules and regulations of the department and the department of social and health services relating to well construction;

(7) Preparation of well reports;

(8) Township and range location system as it relates to location of wells; and

(9) Basic ground water hydraulics as it relates to well construction.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-100, filed 4/6/88; Order DE 73-10, § 173-162-100, filed 6/29/73.]

WAC 173-162-120 Examinations—Notification of examination results. The department shall make a determination of the applicant's qualifications for a license within ten days after the examination and notify said applicant of the results within ten days after such determination.

[Order DE 73-10, § 173-162-120, filed 6/29/73.]

WAC 173-162-130 Licenses—General. It is the intent of the department in its implementation of the licensing phase of the Washington Water Well Construction Act to effect a smooth transition of this requirement into the well construction industry without causing undue hardship on individuals and/or businesses whose livelihood is dependent upon continuing work in this field.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-130, filed 4/6/88; Order DE 73-10, § 173-162-130, filed 6/29/73.]

WAC 173-162-140 What are the requirements to become an on-site testing advisor? (1) To qualify to be an on-site testing advisor you must:

(a) Be a Washington state licensed operator in good standing; and

(b) Have held that Washington state operator license for a period of five years; and

(c) Not have been issued an order or penalty under chapter 18.104 RCW, except for failure to renew a license; and

(d) Pass a written evaluation of your drilling expertise and an oral interview provided by the department; and

(e) Enter a written agreement with the department which will describe the scope, duties, and responsibilities of the on-site testing advisor.

(2) All agreements will be evaluated on an annual basis and renewed upon approval of the department.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-140, filed 3/23/98, effective 4/23/98; 88-08-070 (Order 88-58), § 173-162-140, filed 4/6/88; Order DE 73-10, § 173-162-140, filed 6/29/73.]

WAC 173-162-190 What are the responsibilities of well contractors and their agents? (1) The well contractor shall be responsible for designating an agent to represent its dealing with the department.

(2) The agent must be a Washington state licensed operator other than a trainee.

(3) The agent shall notify the department of all licensed operators and trainees who are working for the well contractor.

(3/23/98)

(4) Notification shall be made within ninety days of enactment of this regulation.

(5) After the initial notification, the agent shall notify the department of all terminations and new hires within thirty days.

(6) The well contractor shall notify the department within thirty days of making any change of agent.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-190, filed 3/23/98, effective 4/23/98; 88-08-070 (Order 88-58), § 173-162-190, filed 4/6/88; Order DE 73-10, § 173-162-190, filed 6/29/73.]

WAC 173-162-200 What are the department of ecology's enforcement options? In enforcement of this chapter, the department of ecology may impose sanctions that are appropriate under authorities vested in it, including issuance of regulatory orders under RCW 43.27A.190, civil penalties under RCW 90.03.600 and 18.104.155, and criminal penalties under RCW 18.104.160.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-200, filed 3/23/98, effective 4/23/98; 88-08-070 (Order 88-58), § 173-162-200, filed 4/6/88.]

WAC 173-162-210 Can I appeal enforcement actions? Yes, you can appeal the department of ecology's decision to the pollution control hearings board. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made under this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

[Statutory Authority: Chapter 18.104 RCW and RCW 43.21A.080. 98-08-031 (Order 97-08), § 173-162-210, filed 3/23/98, effective 4/23/98; 88-08-070 (Order 88-58), § 173-162-210, filed 4/6/88.]

WAC 173-162-220 Regulation review. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-220, filed 4/6/88.]